

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(EASTERN DIVISION - BOSTON)

<p>KIRA WAHLSTROM, Plaintiff, -against- DAVID J. HOEY, LAW OFFICES OF DAVID J. HOEY, P.C., DON C. KEENAN, D.C. KEENAN & ASSOCIATES, P.C. D/B/A THE KEENAN LAW FIRM, P.C., AND KEENAN'S KIDS FOUNDATION, INC. Defendants</p>	<p>Civil Case No. 1:22-cv-10792-RGS</p>
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DECLARATION OF BRIDGET A. ZERNER

I, Bridget A. Zerner, Esquire, declare under penalty of perjury as follows:

1. I am counsel for Plaintiff Kira Wahlstrom in this action along with John Markham of Markham Read Zerner, LLC. I make this declaration setting forth facts I know of my own personal knowledge as to which I am willing to testify if called upon to do so.

2. Attached as **Exhibit A** is a true and accurate copy of the business information reflected on the Georgia Secretary of State Corporations Division website for Keenan's Kids Foundation, Inc. reflecting that Keenan's Kids Foundation is a Georgia domestic non-profit organization with a principal office address an 148 Nassau Street NW, Atlanta, GA, 30303-2010. Defendant Don C. Keenan is listed as the registered agent, CFO, Secretary and CEO of the Foundation.

3. After filing the amended complaint on behalf of Ms. Wahlstrom, I arranged for a process server to serve the Foundation at its principal address. Attached as **Exhibit B** is a true

and accurate copy of the Affidavit of Diligence provided by the process server describing the three attempts made to serve the Foundation at its office during regular business hours on August 9, 10 and 12, 2022.

4. On August 9, 2022, attorney John J. O'Connor, counsel for Don Keenan, confirmed to me in an email that he does not represent the Foundation.

5. I am aware that the Keenan's Kids Foundation is a party to pending litigation in the District of Nevada, in the case entitled *Claggett & Associates LLC, et al. v. Don C. Keenan, et al.* The PACER docket for that case reflected that an attorney Lindsay Mitchell Henner filed a notice of appearance for the Keenan's Kids Foundation, Inc. on July 21, 2022. I emailed Attorney Henner at the email address she provided in her filed notice of appearance and attached the summons, First Amended Complaint with exhibits and advised her of the case and asked if she could accept service. I received no response. Attached as **Exhibit C** is a true and accurate copy of the Notice of Appearance filed in the *Claggett* case and of my email.

6. On August 11, 2022, my office forwarded by registered mail a copy of the Summons for the Foundation with a copy of the operative First Amended Complaint with exhibits to registered agent Don C. Keenan at 148 Nassau Street, N.W., Atlanta, Georgia 30303.

7. On August 15, 2022, I provided a cover letter and attachments to our process sever in Georgia to serve on the Georgia Secretary of State along with the summons, First Amended Complaint and exhibits. Attached as **Exhibit D** is a true and accurate copy of the cover letter and attachments.

8. The process server served the Georgia Secretary of State and provide the executed proof of service that I e-filed at Dkt. No. 17.

9. On August 25, 2022, my office sent a copy of the summons and First Amended Complaint with exhibits via registered mail to Don Keenan at his Florida address as required under the Georgia statute.

10. Attached as **Exhibit E** is a true and accurate copy of the Certificate of Acknowledgement we received from the Georgia Secretary of State stating:

I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify under the seal of my office that copies of legal documents regarding service of process upon:

Keenan's Kids Foundation, Inc.

have been filed with the Secretary of State on 08/17/2022 pursuant to O.C.G.A. § 9-11-4(e)(1) relating to the following matter:

Case: Kira Wahlstrom v. Keenan's Kids Foundation, Inc.
Court: United States District Court, District of Massachusetts
Civil Action No.: 122CV10792RGS

11. Defendant Keenan's Kids Foundation, Inc.'s answer was due September 7, 2022 and the Foundation has failed to file an appearance of counsel or answer or respond to the complaint. No one on behalf of the Foundation has contacted our office.

I declare under penalty of perjury under the laws of the United States of America and of the Commonwealth of Massachusetts that the foregoing is true and correct.

Executed this 13th day of September, 2022 in Boston, Massachusetts.

/s/ Bridget A. Zerner
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Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2022 this document was served by electronic delivery through the CM/ECF system on the registered participants as identified on the Notice of Electronic Filing, which will forward copies to Counsel of Record.

/s/ Bridget A. Zerner
Bridget A. Zerner